

## Environmental Protection Agency

## § 1043.80

(c) Operators of non-Party vessels must comply with the requirements of paragraphs (a) and (b) of this section as well as other operating requirements and restrictions specified in 2008 Annex VI (incorporated by reference in §1043.100) related to Regulations 13, 14, and 18.

(d) This paragraph (d) applies for vessels that are excluded from Regulation 13 of Annex VI and the NO<sub>x</sub>-related requirements of this part under §1043.10(a)(2) or (b)(3) because they operate only domestically. Where the vessels operate using only fuels meeting the specifications of 40 CFR part 80 for distillate fuel, they are deemed to be in full compliance with the fuel use requirements and prohibitions of this part and of Regulations 14 and 18 of Annex VI.

(e) Except as noted in paragraph (d) of this section, nothing in this section limits the operating requirements and restrictions of Annex VI, as implemented by APPS, for Party vessels, including U.S.-flagged vessels. Note also that nothing in this part limits the operating requirements and restrictions applicable for engines and vessels subject to 40 CFR part 1042 or the requirements and restrictions applicable for fuels subject to 40 CFR part 80.

(f) We may exempt historic steamships from the fuel requirements of this part for operation in U.S. internal waters. Send requests for exemptions to the Designated Certification Officer.

### § 1043.70 General recordkeeping and reporting requirements.

(a) Under APPS, owners and operators of Party vessels must keep records related to NO<sub>x</sub> standards and in-use fuel specifications such as the Technical File, the Engine Book of Record Parameters, and bunker delivery notes. Owners and operators of non-Party vessels must keep these records as specified in the NO<sub>x</sub> Technical Code and Regulations 13, 14, and 18 of Annex VI (incorporated by reference in §1043.100). We may inspect these records as allowed by APPS. As part of our inspection, we may require that the owner submit copies of these records to us.

(b) Nothing in this part limits recordkeeping and reporting the Secretary may require, nor does it preclude the

Secretary from providing copies of any records to EPA.

(c) Nothing in this part limits the recordkeeping and reporting requirements applicable with respect to engines and vessels subject to 40 CFR part 1042 or with respect to fuels subject to 40 CFR part 80.

(d) This paragraph (d) applies for vessels that are excluded from Regulation 13 of Annex VI and the NO<sub>x</sub>-related requirements of this part under §1043.10(a)(2) or (b)(3) because they operate only domestically. Where the vessel operator has fuel receipts (or equivalent records) for the preceding three years showing it operated using only fuels meeting the specifications of 40 CFR part 80 for distillate fuel, they are deemed to be in full compliance with the fuel recordkeeping requirements and prohibitions of this part and Annex VI.

### § 1043.80 Recordkeeping and reporting requirements for fuel suppliers.

Under APPS, fuel suppliers must provide bunker delivery notes to vessel operators for any fuel for an engine on any vessel identified in paragraph (a) of this section. Fuel suppliers must also keep copies of these records.

(a) The requirements of this section apply for fuel delivered to any of the following vessels:

(1) Vessels of 400 gross tonnage and above engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties.

(2) Platforms and drilling rigs engaged in voyages to waters under the sovereignty or jurisdiction of other Parties.

(b) Except as allowed by paragraph (c) of this section, the bunker delivery note must contain the following:

(1) The name and IMO number of the receiving vessel.

(2) Port (or other description of the location, if the delivery does not take place at a port).

(3) Date the fuel is delivered to the vessel (or date on which the delivery begins where the delivery begins on one day and ends on a later day).

(4) Name, address, and telephone number of fuel supplier.

(5) Fuel type and designation under 40 CFR part 80.

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(6) Quantity in metric tons.

(7) Density at 15 °C, in kg/m<sup>3</sup>.

(8) Sulfur content in weight percent.

(9) A signed statement by an authorized representative of fuel supplier certifying that the fuel supplied conforms to Regulations 14 and 18 of Annex VI consistent with its designation, intended use, and the date on which it is to be used. For example, with respect to conformity to Regulation 14 of Annex VI, a fuel designated and intended for use in an ECA any time between July 1, 2010 and January 1, 2015 may not have a sulfur content above 1.00 weight percent. This statement is not required where the vessel conforms to the requirements of §1043.55.

(c) You may measure density and sulfur content according to the specifications of Annex VI, or according to other equivalent methods that we approve. Where the density and/or sulfur content of the delivered fuel cannot be measured, we may allow the use of alternate methods to specify the density and/or sulfur content of the fuel. For example, where fuel is supplied from multiple tanks on a supply vessel, we may allow the density and sulfur content of the fuel to be calculated as a weighted average of the measured densities and sulfur contents of the fuel that is supplied from each tank.

## § 1043.90 [Reserved]

## § 1043.95 Interim provisions.

The interim provisions of this section apply for vessels operating exclusively in the Great Lakes.

(a) Notwithstanding other provisions of this part, the requirements of this part do not apply for vessels propelled by steam turbine engines or reciprocating steam engines (also known as steamships), provided they were propelled by steam engines and operated within the Great Lakes before October 30, 2009 and continue to operate exclusively within the Great Lakes.

(b) The fuel-use requirements of this part do not apply through December 31, 2025, for a ship qualifying under paragraph (a) of this section if it was in service as a steamship on October 30, 2009 and it is repowered with one or more marine diesel engines, subject to

the following conditions and requirements:

(1) Engines must meet exhaust emission standards using one of the following approaches:

(i) All the installed replacement engines must be certified to applicable standards under 40 CFR part 1042 based on the date the vessel enters dry dock for service.

(ii) We may approve the use of an engine meeting less stringent standards if the owner can demonstrate that it took possession of the engine before October 30, 2009, and that engine is a new engine that has not been installed in a non-marine application. Such an engine must at a minimum be certified to the Annex VI NO<sub>x</sub> emission standard in §1043.60 that applies based on its build date.

(2) The vessel owner must notify us regarding the intent to use this provision. The notification must include a description of the vessel and a summary of the project, including the expected timeline, and other relevant information.

(3) The vessel owner must notify the Designated Certification Officer when the project is complete. We will send the owner a statement that the repowered ship is exempt from fuel sulfur requirements through December 31, 2025; this statement must be kept onboard the vessel for compliance purposes.

(4) All other requirements under this part 1043 continue to apply, including requirements related to bunker delivery notes.

(5) This paragraph (b) applies only for vessels whose hull remains intact through the repowering process. For example, if a steamship is converted to a barge for use with tugboats, those vessels must use fuel meeting the requirements of this part 1043.

(c) In cases of serious economic hardship, we may exempt Great Lakes vessels from the otherwise applicable fuel use requirements under this part.

(1) To be eligible, you must demonstrate that all of the following are true:

(i) Unusual circumstances exist that impose serious economic hardship and significantly affect your ability to comply.

## 40 CFR Ch. I (7–1–14 Edition)